IN THE HIGH COURT OF BOMBAY AT GOA

Criminal Misc. Application No.81/2002

Yanick McGuire
(Canadian National)
Presently residing at
Anjuna, Bardez, Goa. ..... Applicant.

V/s

State of Goa,
as represented by
Officer-in-Charge,
ANC Police Station, Police HQ,
Panaji, Goa. ..... Respondent.

Mr. J.P. D'Souza, Advocate for the applicant.

Mr. A.P. Lawande, Public Prosecutor for the State/ Respondents.

CORAM : P.V. HARDAS, J.

DATE : JUNE 20, 2002.

ORAL ORDER :

This application takes exception to an order passed by the Special Judge, NDPS Court, Mapusa dated 10.5.2002 declining to grant permission to the present applicant/accused to leave India for visiting his home in Canada. The Special Judge, NDPS Court while granting the bail to the present applicant had imposed a condition that he would not leave the State of Goa without prior permission of the Court. The present applicant is, admittedly, a foreign national who was arrested in respect of crime under the Narcotic Drugs and Psychotropic Substances Act. The Charge-sheet has been filed and the case is registered as Special Criminal Case No.9/2002. The learned Special Judge, NDPS Court, Mapusa while

declining the request of the applicant had endorsed the apprehension of the prosecution that the applicant, if permitted, would not be available during the trial.

2. After hearing Mr. D'Souza, the learned Counsel for the applicant for some time, he made a submission that in the peculiar circumstances of the case, the Special Judge, NDPS Court, Mapusa may be directed to accord priority to the trial and the matter can itself be expeditiously decided. Since the applicant has been declined permission to leave India for visiting his home in Canada, I think request of Mr. D'Souza deserves some consideration.

3. Though the applicant has been released on bail and there are other trials pending in which accused have been denied bail, the learned Special Judge, is requested to accord priority to this case and to expeditiously decide this case in view of the peculiar facts. Mr. D'Souza, therefore states that he may be permitted to withdraw the Criminal Misc. Application since this Court has ordered expeditious disposal of the trial in the peculiar facts of the case. Criminal Misc. Application 81/2002 is, accordingly, disposed of as withdrawn, with the aforesaid directions.

P.V. HARDAS, J.